

COMMITTEE ON SCIENCE
SUBCOMMITTEE ON ENVIRONMENT, TECHNOLOGY AND STANDARDS
U.S. HOUSE OF REPRESENTATIVES

HEARING CHARTER

National Oceanic and Atmospheric Administration Organic Acts

July 15, 2004

2:00 p.m. to 4:00 p.m.

2318 Rayburn House Office Building

Purpose:

On July 15, 2004 at 2:00 p.m., the Subcommittee on Environment, Technology and Standards will hold a hearing on H.R.4546, the National Oceanic and Atmospheric Administration Act, and H.R.4607, the National Oceanic and Atmospheric Administration Organic Act of 2004.

NOAA was established in the Department of Commerce by Executive Order in 1970 under President Nixon. The 1970 Executive Order primarily consolidated the ocean and atmospheric activities of various federal agencies under NOAA. The order did not lay out an overarching mission for the agency and since that time Congress has not passed a comprehensive act outlining the mission and specific functions of the agency. In addition, in its Preliminary Report released in April 2004, the U.S. Commission on Ocean Policy strongly recommended that Congress pass an organic act for NOAA. H.R.4546 responds to this Ocean Commission recommendation by providing an organic act for NOAA. The bill also includes a general authorization for NOAA's current line offices, such as the National Weather Service. In addition, H.R.4546 incorporates several NOAA-related pieces of legislation pending before Congress. The Administration also has submitted its own version of a NOAA organic act to Congress, which was introduced as H.R.4607.

Overarching Questions:

The hearing will address the following overarching questions:

1. What are the oceanic and atmospheric communities' general comments on H.R.4546 and H.R.4607?
2. How is NOAA currently organized and structured and should that change?
3. What missions and functions should NOAA be responsible for? How should NOAA be organized? What should be included in an organic act for NOAA?

Witnesses:

The Honorable Theodore Kassinger, Deputy Secretary, U.S. Department of Commerce.

Dr. James Baker, President and Chief Executive Officer, the Academy of Natural Sciences.
Dr. Baker was Administrator of NOAA from 1993-2001.

Rear Admiral Richard West (Ret.), President, Consortium for Oceanographic Research and Education. Admiral West was a member of the subcommittee of NOAA's Science Advisory Board that recently reviewed NOAA's research enterprise.

Dr. Elbert (Joe) W. Friday Jr., WeatherNews Chair of Applied Meteorology and Director, the Sasaki Applied Meteorology Research Institute, University of Oklahoma. Dr. Friday is a former Assistant Administrator of the National Weather Service and the Office of Oceanic and Atmospheric Research at NOAA. Additionally, he is a past-president of the American Meteorological Society.

Mr. Richard Hirn, General Counsel, National Weather Service Employees Organization (NWSEO). The NWSEO represents employees from many of NOAA's line offices.

Background:

History of NOAA

In 1966, the Marine Resources and Engineering Act established an independent commission to produce a comprehensive study and recommendations for the nation's ocean policy. The Commission, chaired by Julius Stratton, released its report in 1969. One of its recommendations was that the President should establish an independent agency to coordinate all federal, nonmilitary ocean management programs. In 1970, President Nixon established the National Oceanic and Atmospheric Administration (NOAA) by Executive Order within the Department of Commerce.

The executive order establishing NOAA, Reorganization Plan No. 4 of 1970, transferred the functions of various agencies, such as the Sea Grant College Program, into the new NOAA and established a leadership structure for the new agency. The plan did not provide an overall mission for the agency.

Since that time NOAA has evolved into the central civilian federal agency for both oceans and atmospheric issues. However, Congress has never passed a comprehensive act defining the mission and specific functions of the agency. Instead, Congress has enacted laws on specific issues. In most cases these laws are not coordinated and NOAA lacks an overarching statutory mission to tie them together.

Currently, NOAA has approximately 12,500 employees and an annual budget of about \$3.4 billion, which represents 55 percent of the budget for the Department of Commerce. NOAA is structured around six line offices (see appendix A for an organizational chart):

- The National Ocean Service (NOS) is responsible for the observation, measurement, assessment and management of the nation's coastal and ocean areas. This includes providing navigational charts and performing applied research on coastal and ocean issues, such as harmful algal blooms.
- The National Marine Fisheries Service (NMFS) protects and preserves living marine resources through fisheries management, enforcement, and habitat conservation, and falls under the jurisdiction of the House Resources Committee.
- The National Weather Service (NWS) is the nation's primary civilian source of weather data, forecasts and warnings.

- The Office of Oceanic and Atmospheric Research (OAR) is responsible for providing much of the research into improving understanding of environmental phenomena such as tornadoes, hurricanes, climate variability, ocean currents, and coastal ecosystem health.
- The National Environmental Satellite Data and Information Service (NESDIS) operates the nation's weather and climate satellites and manages the processing and distribution of the data and images from those satellites.
- The Office of Program Planning and Integration (PPI) promotes the development of effective programs by integrating resources across NOAA.
- Also within NOAA is an Office of Marine Aviation and Operations (OMAO), which manages the NOAA uniformed officer corps. The NOAA corps is one of the nation's uniformed military services and supports the functions of all the line offices in the agency, including operating planes used in hurricane reconnaissance and ships used in fisheries surveys and research expeditions.

Impetus for a NOAA Organic Act

The Oceans Act of 2000 established the U.S. Commission on Ocean Policy (referred to here as the Commission) to perform an updated comprehensive review of ocean-related issues and laws facing the federal government. The Commission, recognizing that NOAA has become the *de facto* lead federal agency for oceans issues, strongly recommended that Congress strengthen NOAA in a three-phase process. Phase I, which the Commission recommends implementing immediately, is enactment of an organic act for the agency. Phase II, which would occur during the next few years, is the consolidation of certain ocean- and coastal-related functions from other federal agencies into NOAA. Phase III, a long-term action, would reorganize federal environmental agencies, including NOAA, into a Department of Natural Resources.

The Commission recommended structuring NOAA around three mission areas in an organic act. The operations and services mission would include the current line offices and programs of NESDIS, NWS, and the mapping and charting functions of NOS. The research and education mission would include the current line offices and programs of OAR, the Office of Education, and research programs from the other line offices. Finally, the resource management mission would include the current NMFS and the ecosystem management programs from NOS. The Commission did not specify whether the current offices should be disestablished or whether they should be managed around cross-cutting missions.

NOAA Organic Acts in the House

In response to the Commission's recommendation and discussions with experts in oceanic and atmospheric issues, Chairman Ehlers introduced H.R.4546, the National Oceanic and Atmospheric Administration Act, on June 14, 2004. A section-by-section summary of the bill is contained in appendix B.

Title I of Chairman Ehlers' bill is an organic act for NOAA, providing an overarching mission for the agency (based on NOAA's Strategic Plan) and describing the functions of NOAA's research, weather, and climate responsibilities. H.R.4546 structures NOAA around the mission areas recommended by the Commission with one exception: The bill retains the National Weather Service as a separate entity in NOAA rather than consolidating it with other operational and service functions, because of its longstanding independent identity.

H.R.4546 retains NOAA within the Department of Commerce and establishes a new leadership position with the agency, a Deputy Assistant Secretary for Science and Technology. A recent review of NOAA's research enterprise, performed by a subcommittee of the NOAA Science Advisory Board, strongly recommended establishing such a position at the agency.

Title II of H.R.4546 is a general authorization for the current line offices at NOAA. Titles III-VII incorporate several NOAA-related pieces of legislation pending before Congress, which would establish a coastal ocean science program, a marine research program, an ocean and coastal observing systems program, an abrupt climate change research program, and a weather research program at NOAA.

The Administration developed its own organic act for NOAA, which was introduced by Mr. Ehlers (R-MI) and Mr. Gilchrest (R-MD), by request, as H.R.4607. A section-by-section of H.R. 4607 is included in appendix C. The Administration's bill provides four broad mission areas for NOAA and expands and clarifies some of the agency's legal authorities. For example, it expands the authority of the Administrator of NOAA to accept and utilize gifts, an authority currently only within the office the Secretary of Commerce. H.R.4607 does not include any reorganization of NOAA's functions.

Representative Saxton (R-NJ) has introduced a bill, H.R.4368, which would move NOAA from the Department of Commerce to the Department of the Interior. It would not change the internal line office structure of NOAA.

Issues to be Considered

Should an organic act for NOAA continue the current line office structure or move the agency organization towards the themes in H.R.4546 and the Commission report (research and education, operations and services, and resource management)? Some experts believe NOAA's current structure is "stove-piped", making the agency ineffective at fully utilizing its oceanic and atmospheric expertise. For example, for nearly a decade OAR performed research on wind profilers, a novel technology for observing winds that held promise for improving the lead time on tornado forecasts. When NOAA faced budget cuts, they asked forecasters in the National Weather Service if they could use this new technology and if NOAA should keep investing funds in its development. Many of the forecasters were not even aware of its capabilities.

Congress would also have to decide how to structure NOAA around the new missions. Either the current offices could be disestablished, or they could be managed around cross-cutting missions.

How should science and research be coordinated at NOAA? Some research at NOAA is performed in each of the operational line offices, while other research is performed out of OAR. Some people believe OAR should be dissolved and its research functions assigned to the appropriate line office. Then, research will be closely tied to the operational services. Others believe that all research should be located under one office because that would be more effectively coordinated. A third idea is to keep near-term applied research and development in

the line offices and have the medium- to long-term research in OAR, and establish a leadership position at the agency to coordinate all the science and research activities at NOAA. This last idea is supported by the NOAA Research Review Team, a subcommittee of the NOAA Science Advisory Board that recently completed an extensive review of NOAA's research programs. H.R.4546 creates a Deputy Assistant Secretary for science and technology to coordinate the science and research issues at NOAA. The Administration bill is silent on this topic.

Should NOAA's mission and functions be expanded to include all federal ocean and coastal related activities? This question addresses the Phase II and Phase III recommendations of the Commission for strengthening NOAA. As an example, the Commission recommended transferring operation (but not the development) of NASA research satellites to NOAA to ensure a smoother research to operations transition. This would involve the transfer not only of personnel, but also of the significant expense of operating satellite programs. Another example is the question of whether NOAA's mission should include wetland and estuaries research and regulation currently performed by the Environmental Protection Agency. H.R.4546 does not move forward on these recommendations.

Witness Questions:

The witnesses were asked to address the following questions in their testimony.

The Honorable Theodore Kassinger

1. Currently, what is the biggest problem at NOAA and can that problem be addressed in statute?
2. What missions and functions should NOAA be responsible for? How should NOAA be organized? What is the most important thing to accomplish in an organic act for NOAA?
3. Chairman Ehlers' bill, H.R. 4546, organizes NOAA functions around these mission areas recommended by the U.S. Commission on Ocean Policy:
 - operations and services, which would include the current line offices and programs of the National Environmental Satellite Data and Information Service, the National Weather Service and the mapping and charting functions of the National Ocean Service (NOS);
 - research and education, which would include the current line offices and programs of the Office of Oceanic and Atmospheric Research, the Office of Education and research programs from other line offices;
 - and resource management, which would include the current line offices and programs of the National Marine Fisheries Service and the ecosystem management programs from NOS.

What are the pros and cons of this proposed restructuring? Would it improve communication across programs at NOAA to support ecosystem-based management, a concept that most experts agree is the way NOAA should manage natural resources?

4. Chairman Ehlers' bill, H.R.4546, includes specific functions for NOAA while the Administration's bill, H.R.4607, includes only four broad missions for NOAA. Why did you decide to construct H.R.4607 in this way? Given that the strategic plan you developed for NOAA in 2002 suggests re-organizing the agency around "matrix management" topics, please explain why H.R.4607 does not include recommendations for any organizational changes.

Dr. James Baker

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2. What missions and functions should NOAA be responsible for? How should NOAA be organized? What is the most important thing to accomplish in an organic act for NOAA?
3. Chairman Ehlers' bill, H.R. 4546, organizes NOAA functions around these mission areas recommended by the U.S. Commission on Ocean Policy:
 - operations and services, which would include the current line offices and programs of the National Environmental Satellite Data and Information Service, the National Weather Service and the mapping and charting functions of the National Ocean Service (NOS);
 - research and education, which would include the current line offices and programs of the Office of Oceanic and Atmospheric Research, the Office of Education and research programs from other line offices;
 - and resource management, which would include the current line offices and programs of the National Marine Fisheries Service and the ecosystem management programs from NOS.

What are the pros and cons of this proposed restructuring? Would it improve communication across programs at NOAA to support ecosystem-based management, a concept that most experts agree is the way NOAA should manage natural resources?

4. What are your general views on Title I of H.R.4546 (the NOAA organic act sections)? How can that part of the bill be improved?
5. What are your views on the Deputy Assistant Secretary for Science and Technology described in H.R.4546? Is this a good way to improve coordination of science and research at NOAA?

Admiral Richard West

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2. What missions and functions should NOAA be responsible for? How should NOAA be organized? What is the most important thing to accomplish in an organic act for NOAA?
3. Chairman Ehlers' bill, H.R. 4546, would organize NOAA functions around these mission areas recommended by the U.S. Commission on Ocean Policy:
 - operations and services, which would include the current line offices and programs of the National Environmental Satellite Data and Information Service, the National Weather Service and the mapping and charting functions of the National Ocean Service (NOS);
 - research and education, which would include the current line offices and programs of the Office of Oceanic and Atmospheric Research, the Office of Education and research programs from other line offices;
 - and resource management, which would include the current line offices and programs of the National Marine Fisheries Service and the ecosystem management programs from NOS.

What are the pros and cons of this proposed restructuring? Would it improve communication across programs at NOAA to support ecosystem-based management, a concept that most experts agree is the way NOAA should manage natural resources?

4. What are your views on the Deputy Assistant Secretary for Science and Technology described in H.R.4546? Is this a good way to improve coordination of science and research at NOAA, as recommended by the NOAA Research Review Team?

Dr. Elbert Friday

1. Currently, what is the biggest problem at NOAA and can that problem be addressed in statute?
2. What missions and functions should NOAA be responsible for? How should NOAA be organized? What is the most important thing to accomplish in an organic act for NOAA?
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 - operations and services, which would include the current line offices and programs of the National Environmental Satellite Data and Information Service, the National Weather Service and the mapping and charting functions of the National Ocean Service (NOS);
 - research and education, which would include the current line offices and programs of the Office of Oceanic and Atmospheric Research, the Office of Education and research programs from other line offices;
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What are the pros and cons of this proposed restructuring? Would it improve communication across programs at NOAA to support ecosystem-based management, a concept that most experts agree is the way NOAA should manage natural resources?

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Mr. Richard Hirn

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 - operations and services, which would include the current line offices and programs of the National Environmental Satellite Data and Information Service, the National Weather Service and the mapping and charting functions of the National Ocean Service (NOS);
 - research and education, which would include the current line offices and programs of the Office of Oceanic and Atmospheric Research, the Office of Education and research programs from other line offices;

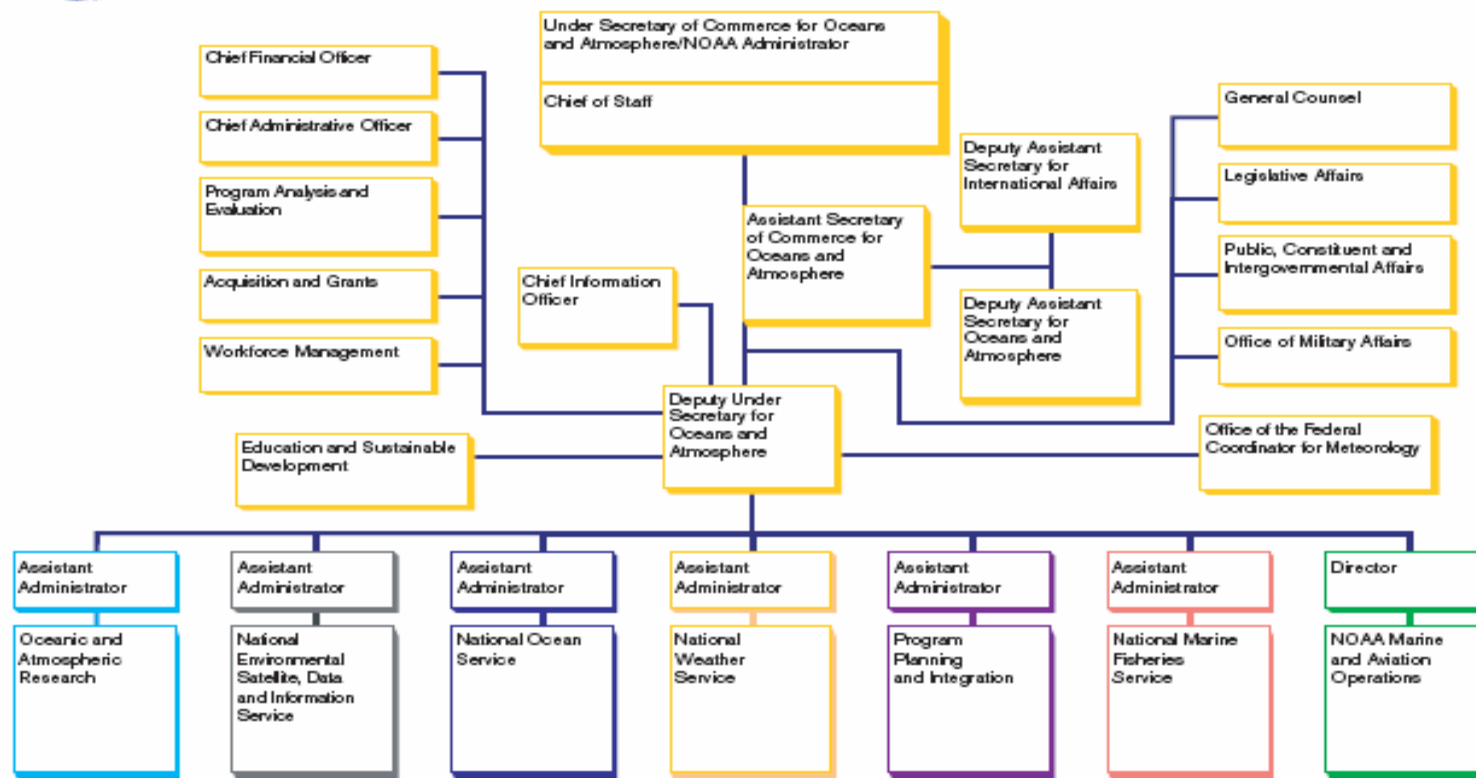
- and resource management, which would include the current line offices and programs of the National Marine Fisheries Service and the ecosystem management programs from NOS.

What are the pros and cons of this proposed restructuring? Would it improve communication across programs at NOAA to support ecosystem-based management, a concept that most experts agree is the way NOAA should manage natural resources?

4. What are your views on the Deputy Assistant Secretary for Science and Technology described in H.R.4546? Is this a good way to improve coordination of science and research at NOAA?



NOAA Organization



Appendix B
Section-by-Section Explanation
H.R. 4546, the National Oceanic and Atmospheric Administration Act

BACKGROUND

The National Oceanic and Atmospheric Administration (NOAA) was established by Executive Order in 1970. Since then, various parts of NOAA have been authorized by Congress, but there is no underlying “organic act” defining the mission and function of the agency.

The Oceans Act of 2000 established the U.S. Commission on Ocean Policy to examine the nation’s ocean policy and make recommendations for improvements. On April 20, 2004 the Commission released its preliminary report, which included 200 recommendations for an improved national ocean policy. One of the recommendations is that Congress should pass an organic act for NOAA. The Commission also suggested organizing NOAA’s functions around specific themes rather than the current line office structure.

H.R.4546 incorporates these recommendations in Title I as a general organic act and by outlining NOAA’s missions and functions under 3 categories: weather, operations and services, and research and education. The bill as introduced does not include NOAA’s activities concerning fisheries management or the Coastal Zone Management Act.

Currently NOAA has a structure of six line offices: the National Ocean Service (NOS), the National Marine Fisheries Service (NMFS), the National Weather Service (NWS), the National Environmental Satellite Data and Information Service (NESDIS), the Office of Oceanic and Atmospheric Research (OAR), and the Office of Program Planning and Integration (PPI). H.R. 4546 provides NOAA the flexibility to perform the functions described in the bill under the current organizational structure or by moving towards a structure that reflects the categories set forth in H.R. 4546.

EXPLANATION OF H.R. 4546

Section 1. Table of Contents.

This section provides a table of contents for the bill.

Title I. National Oceanic and Atmospheric Administration.

Section 101. Short Title.

The short title of this title is the “National Oceanic and Atmospheric Administration Act.”

Section 102. Definitions.

This section defines terms used in Title I.

Section 103. National Oceanic and Atmospheric Administration.

This section establishes the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce. The mission of NOAA is to understand and predict changes in the Earth’s oceans and atmosphere and the effects of such changes on the land environment, to conserve and manage coastal, ocean, and Great Lakes ecosystems, and to educate the public about these topics. This section also describes the overall functions of NOAA to accomplish the

mission, such as through research and development for improved weather forecasting, and collecting scientific data about coastal, ocean, and Great Lakes ecosystems.

Section 104. Administration Leadership.

This section describes the leadership structure of NOAA and maintains the current makeup of an Undersecretary of Commerce for Oceans and Atmosphere as the Administrator of NOAA, and the Administrator's first assistant is the Assistant Secretary of Commerce for Oceans and Atmosphere. The section also creates a new position, a Deputy Assistant Secretary for Science and Technology, who shall be responsible for coordinating and managing all research activities across the agency and must be a career position.

Section 105. National Weather Service.

This section directs the Secretary of Commerce to maintain a National Weather Service (NWS) within NOAA. The mission of NWS is to provide weather, water, climate and space weather forecasts and warnings for the United States, its territories, adjacent waters and ocean areas. The functions of NWS include: maintaining a network of regional and local weather forecast offices; maintaining a network of observations system to collect weather and climate data; and conducting research to support these functions.

Section 106. Operations and Services.

This section directs the Secretary to maintain programs within NOAA to support operational and service functions. These functions would include all the activities of NOAA's National Environmental Satellite Data and Information Service (NESDIS) and the mapping and charting activities of the National Ocean Service. NESDIS functions described in this section include: developing, acquiring, managing, and operating the Nation's operational weather and climate satellite observing systems and managing and distributing atmospheric, geophysical and marine data and data products through national environmental data centers. The National Ocean Service activities include providing maps and charts for safe navigation.

Section 107. Research and Education.

This section directs the Secretary to maintain programs within NOAA to conduct and support research and education functions. These activities would include all of the functions currently performed by NOAA's Office of Oceanic and Atmospheric Research (OAR), such as conducting and supporting research and the development of technologies relating to weather, climate, and the coasts, oceans, and Great Lakes. This section also describes the education and public outreach functions NOAA should carry out, which include many of the activities performed by NOAA's Office of Education.

Section 108. Science Advisory Board.

This section establishes a Science Advisory Board for NOAA, which would provide scientific advice to the Administrator and to Congress on issues affecting NOAA.

Section 109: Reports.

This section requires two reports from the Secretary. Each report is to be delivered to Congress within one year of the date of enactment of the Act. One report should assess the adequacy of

the environmental data and information systems of NOAA and provide a strategic plan to address any deficiencies in those systems.

The other report must provide a strategic plan for research at NOAA. This plan was recommended in a recent review of the research activities at NOAA by its Science Advisory Board.

Section 110. Effect of Reorganization Plan.

This section repeals the Executive Order that established NOAA in 1970.

Title II. Authorization of Appropriations for the National Oceanic and Atmospheric Administration.

Section 201. Short Title.

The short title of this title is the “National Oceanic and Atmospheric Administration Authorization Act of 2004.”

Section 202. Authorization of Appropriations.

This section authorizes appropriations for NOAA’s current line offices (except the National Marine Fisheries Service).

Title III. Coastal Ocean Science Program.

Section 301. Short Title.

The short title of this title is the “Coastal Ocean Science Program Act of 2004.”

Section 302. Coastal Ocean Science Program.

This section reauthorizes the Coastal Ocean Science Program at NOAA and requires all research performed under the Program to be competitive and peer-reviewed. This section authorizes such sums as necessary in appropriations for the program.

Title IV. Marine Research.

Section 401. Short Title.

The short title of this title is the “Marine Research Act.”

Section 402. Purposes.

This section describes the purposes of this title, which require the President to provide for the support and coordination of an interagency marine research program to understand and respond to the interactions of humans and the marine environment.

Section 403. Interagency Marine Research Program.

This section creates the interagency marine research program through the Office of Science and Technology Policy and requires that a plan be developed to identify the goals and priorities for the program and the activities needed to fulfill the goals. Relevant Federal programs and activities should be identified and estimated federal funding should be included in the plan.

Section 404. National Oceanic and Atmospheric Administration Marine Research Initiative.

This section authorizes the Department of Commerce to establish a Marine Research Initiative to coordinate and implement activities of NOAA. The Initiative should provide support for one or more NOAA national centers of excellence, research grants, and scholars and traineeships. The centers of excellence, the competitive peer-reviewed extramural research grants, financial assistance to distinguished scholars, and traineeships for pre- and post-doctorial students are to help NOAA fulfill its mission and role in exploring the interaction of humans and the marine environment.

Section 405. Authorization of Appropriations.

This section authorizes \$8 million in appropriations for the NOAA Marine Research Initiative for fiscal years 2005 through 2008.

Title V. Ocean and Coastal Observation Systems.**Section 501. Short Title.**

The short title of this title is the “Ocean and Coastal Observation Systems Act.”

Section 502. Purposes.

This section describes the purposes of this title, which include providing for the development and maintenance of an integrated system for ocean and coastal observations and the implementation of a related system for the management of observation data and information.

Section 503. Integrated Ocean and Coastal Observing System.

This section establishes, through NOAA, an integrated system of ocean and coastal monitoring and data analysis, communications, and management. The goals of the system include: improving weather forecasts and disaster warnings; enhancing understanding of global change and coastal and global ocean systems; and increasing public awareness of these issues. This section establishes an interagency Joint Operations Center, led by NOAA, to manage the technologies and data communications, implement the standards, and promote the integration necessary to deploy and support the ocean and coastal observing system. The section also allows for regional associations and pilot projects that can contribute to observing system.

Section 504. Interagency Financing.

This section authorizes the agencies included in the Joint Operations Center to participate in interagency financing for carrying out the activities described in this title.

Section 505. Authorization of Appropriations.

This section authorizes such sums as necessary in appropriations to NOAA, the National Science Foundation, the National Aeronautics and Space Administration, and other Federal agencies as appropriate for the ocean and coastal observing system.

Title VI. Abrupt Climate Change.**Section 601. Short Title.**

The short title of this title is the “Abrupt Climate Change Research Act.”

Section 602. Abrupt Climate Change Research Program.

This section establishes within NOAA an abrupt climate change research program for improving the understanding of abrupt climate change mechanisms and paleoclimate indicators. The section defines abrupt climate change as a change in climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

Section 603. Authorization of Appropriations.

This section authorizes such sums as necessary in appropriations for the research program outlined in this title.

Title VII. United States Weather Research Program.**Section 701. Short Title.**

The short title of this title is the “United States Weather Research Program Act of 2004.”

Section 702. Program Focus.

This section outlines the focus of the Weather Research Program established under section 108 of the National Oceanic and Atmospheric Administration Authorization Act of 1992. The program should focus on research in extreme weather conditions, such as hurricanes and floods, and should work toward accelerating improvements in weather forecasting. This section also authorizes the program to make grants to universities and other research organizations.

Section 703. Program Research Priorities.

This section defines the specific research priorities of the Weather Research Program within the following categories; hurricanes, heavy precipitation, floods, two-to-fourteen day weather forecasting, societal and economic impacts and improved communication related to adverse weather, and testing research concepts in real-life environments.

Section 704. Interagency Planning and Process.

This section establishes NOAA as the lead for the Weather Research Program and requires the agency to work with other Federal agencies to develop a five-year plan which outlined program goals and describes weather information needs, methods for disseminating weather information, and practices for transferring results into forecasting operations.

Section 705. Reporting Requirements.

This section requires NOAA to provide a report on the Weather Research Program to Congress one year after enactment of this Act and every five years thereafter. The report should include the most recent five-year plan developed pursuant to section 704 of this title, descriptions of changes to the plan, and a detailed assessment of the progress made toward the program goals.

Section 706. Authorization of Appropriations.

This section authorizes such sums as necessary in appropriations to the Office of Atmospheric Research within NOAA for the research program outlined in this title. At least 50 percent of these funds shall be for competitive, peer-reviewed grants to or contracts with institutions of higher education.

Appendix C
Section-by-Section Explanation
H.R. 4607, the National Oceanic and Atmospheric Administration Organic Act of 2004

PURPOSES:

The purposes of this bill are to enhance the ability of the National Oceanic and Atmospheric Administration (NOAA) to assess and predict changes in ocean, coastal, Great Lakes and atmospheric ecosystems and in the environment; manage, protect and restore the Nation's ocean, coastal and Great Lakes areas, including ecosystem approaches; conduct, support, and coordinate efforts to enhance public awareness; provide reliable scientific information that can be used as a basis for sound management and public safety decisions; protect lives and property and expand economic opportunities; and pursue its purposes in partnership with public and private entities. These purposes are effectuated through the following provisions, which establish the National Oceanic and Atmospheric Administration, amend the organization and functions of the NOAA Advisory Committee on Oceans and Atmosphere, and provide other amendments relative to the organization, purposes and authorities of NOAA.

EXPLANATION OF H.R.4607:

**TITLE I - NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
ORGANIC ACT OF 2004**

SECTION 101. SHORT TITLE

Section 101 would set forth the short title of the Act as the "National Oceanic and Atmospheric Administration Organic Act of 2004".

SEC. 102. ESTABLISHMENT

Section 102 would establish within the Department of Commerce, the National Oceanic and Atmospheric Administration.

SEC. 103. DEFINITIONS

Section 103 would provide definitions for terms used in the Act.

SEC. 104. OFFICERS

Section 104 would establish within NOAA the following positions: Under Secretary of Commerce for Oceans and Atmosphere; Assistant Secretary of Commerce for Oceans and Atmosphere; and, Deputy Under Secretary for Oceans and Atmosphere. Section 104 would also authorize the Under Secretary, consistent with applicable law including Title II of the National Oceanic and Atmospheric Administration Commissioned Officers Corps Act of 2002, to create additional positions as deemed necessary to carry out the purposes and authorities of NOAA.

SEC. 105. PURPOSES AND AUTHORITIES

Section 105 would set forth the purposes of NOAA. It would also authorize NOAA to undertake activities necessary to implement NOAA's purposes. It preserves all authorities currently vested in NOAA, including those transferred to the Secretary by Reorganization Plan No. 4 of 1970 (Reorganization Plan). This Act is not intended to alter the current authorities or responsibilities

of any other Federal agency. Subsection 105 (a)(4) contemplates that NOAA's purpose to protect life and property includes a continuation of its efforts to contribute to the Nation's national security and homeland security efforts.

SEC. 106. CONFORMING AMENDMENTS, REPEALS AND TRANSITION

Subsection 106(a) would repeal the Reorganization Plan. To ensure continued force of all provisions of law and past actions predicated upon or referencing the Reorganization Plan, subsection 106(b) would provide that any reference to NOAA, the Under Secretary of Commerce for Oceans and Atmosphere (either by that title or by the title of the Administrator of NOAA), or any other official of NOAA, in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the effective date of this Act shall be deemed to refer and apply to the NOAA established in section 102 of this Act, or the position of Under Secretary of Commerce for Oceans and Atmosphere established in section 104 of this Act. Subsection 106(d) adds the Executive Level position of Under Secretary and Assistant Secretary to the relevant provisions of Title 5 of the United States Code that provide for Executive Level pay. Subsection 106(e) provides that the first individual appointed to the position of Under Secretary, and the first person appointed to the position of Assistant Secretary, shall be appointed by the President alone.

SEC. 107. SAVINGS PROVISION

Section 107 would provide that any actions taken by the Secretary, the Department of Commerce, the Under Secretary, or any other official of NOAA, that are in effect immediately before the date of enactment of this Act, shall continue in full force and effect after the date of enactment of this Act until modified or rescinded.

SEC. 108 . NO EFFECT ON OTHER AUTHORITIES

Section 108 would provide that this Act shall not amend or alter the provisions of other applicable acts unless otherwise noted. It is intended that nothing in this Act derogates from the duties and functions of other agencies or alters the current authorities relating to those agencies.

TITLE II – NOAA ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

SECTION 201. AMENDMENTS

Subsection 201(a) would amend section 2 of P.L. 95-63, known as the National Advisory Committee on Oceans and Atmosphere Act of 1977 (33 U.S.C. 857-13), by deleting the requirement to have 18 Committee members, allowing the size of the Committee to be appropriately tailored to its purposes and needs.

Subsection 201(b) would amend section 3(a) of P.L. 95-63 (33 U.S.C. 857-14(a)), by providing that: a) appointment of Committee members shall be by the Under Secretary, in lieu of the President; and b) original members of the Committee shall be current members of the NOAA Science Advisory Board who wish to serve in such capacity, together with any additional qualified individuals necessary to fulfill the purposes of the Committee.

Subsection 201(c) would amend section 3(b) of P.L. 95-63 (33 U.S.C. 857-14(b)), by staggering terms of membership on the Committee to ensure continuity of the Committee, and limiting appointment on the Committee to no more than two consecutive three-year terms.

Subsection 201(d) would amend section 3(c) of P.L. 95-63 (33 U.S.C. 857-14(c)) by authorizing the Under Secretary to designate a Chairman and Vice Chairman of the Committee.

Subsection 201(e) would amend section 3(d) of P.L. 95-63 (33 U.S.C. 857-14(d)), by providing that the function of the Committee is to advise the Under Secretary with respect to the programs administered by NOAA.

Subsection 201(f) would delete sections 4 and 6 of P.L. 95-63 (33 U.S.C. 857-15 and 857-17), relating to reports and interagency cooperation and assistance, respectively. A newly designated section 4 would provide that members of the Committee shall be entitled to receive compensation not to exceed the daily rate provided for Level IV of the Executive Schedule Pay Rates for each day during which they are engaged in the actual performance of the duties of the Committee.

Subsection 201(g) would rename the “National Advisory Committee on Oceans and Atmosphere” as the “NOAA Advisory Committee on Oceans and Atmosphere”.